## REMARKS/ARGUMENTS

In the Office Action mailed June 8, 2009, claims 1-14 were rejected. In response, Applicants hereby request reconsideration of the application in view of the amendments and the below-provided remarks. Claims 5, 8, and 9 have been amended. Claims 15-20 have been added. No claims have been canceled. No new matter has been added.

For reference, due to a system problem related to loading Office actions into the image file wrapper system, the time period for reply set forth in the Office Action mailed June 8, 2009, has been restarted to commence on June 22, 2009, as set forth in the "Letter Regarding Restarting the Time Period for Reply Due to Improper Loading of the Office Action" mailed June 22, 2009.

Claim Rejections under 35 U.S.C. 112

Claims 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 5 was rejected because it includes the term "near".

In regard to the rejection of claim 5, Applicants submit that appropriate correction has been made to claim 5. Accordingly, Applicants respectfully request that the rejection of claim 5 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. 103

Claims 1, 6, 7, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Little et al. (U.S. Pat. No. 6,219,789 B1, hereinafter Little) in view of Lenssen et al. (U.S. Pat. Pub. No. 2002/0008988 A1, hereinafter Lenssen). Additionally, claims 2-5, 8-11, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Little in view of Lenssen, and further in view of Lenssen et al. (U.S. Pat. No. 6,501,678 B1, hereinafter Adelerhof). However, Applicants respectfully submit that these claims are patentable over Little, Lenssen, and Adelerhof for the reasons provided below.

Independent Claim 1

Claim 1 recites:

"An array of MRAM-cells provided with a security device for destroying data stored in the MRAM-cells when the array is subject to tampering, wherein the security device is a magnetic device" (emphasis added).

In contrast, the combination of Little and Lenssen does not teach a security device for destroying data, wherein the security device is a magnetic device. The Office action admits that Little does not teach that the RAM is an array of MRAM-cells and that Little does not teach that the security device is a magnetic device (Office Action, page 3). The Office Action cites Lenssen as teaching MRAM-cells and concludes that the clearing circuit of Little as modified with the MRAM-cells of Lenssen would yield predictable results such as preventing unauthorized users from gaining access to the memory (Office Action, page 3). However, Applicants respectfully disagree because such modification would undermine the purpose of the Little reference.

As consistent with relevant case law and the M.P.E.P., there is no motivation to modify a reference where the modification would undermine or defeat the purpose of the reference (see, for example, *In re Gordon*, 733 F.2D 900, 221 USPQ 1125 (Fed. Cir. 1984)). An object of the Little reference is to provide an electronic module to store information and to erase such information if the module is tampered with, and for securely sending, receiving and transferring information (Little, col. 2, lines 46-47). The Office Action attempts to modify Little with the MRAM-cells of Lenssen. Applicants submit that such a modification would render the Little reference inoperable for its stated purpose. The Little reference teaches that the feature of wiping the memory clean if the module is tampered with requires SRAM, because SRAM can be quickly destroyed if the power that backs the SRAM is discontinued momentarily (Little, col. 4, lines 6-12). Applicants submit that if the SRAM of Little is replaced with the MRAM of Lenssen, the clearing circuit of Little would fail to destroy data stored in an MRAM, because the clearing circuit works by discontinuing power to the RAM. However, the loss of power would not clear data stored in an MRAM. Furthermore, the Little reference teaches away from using a security device that is a magnetic device as this would render the Little reference inoperable, because discontinuing the power to the RAM would not destroy data stored in an MRAM. Therefore, the clearing circuit of Little is significantly

different from "a security device for destroying data, wherein the security device is a magnetic device," as recited in claim 1, and replacing the SRAM of Little with the MRAM of Lenssen would render the proposed modification inoperable.

Furthermore, the Office Action fails to recognize that the device of Little is capable of wiping the memory clean if the module is tampered with, without the additional teachings of Lenssen. Thus, the proposed combination of Little and Lenssen does not provide any additional functionality more than the stated functionality of the device of Little. Therefore, the asserted reason for combining Little and Lenssen in order to allow the device of Little to prevent unauthorized users from gaining access to the memory does not present a logical reason for the proposed combination.

For the reasons presented above, the combination of Little and Lenssen does not teach "a security device for destroying data, wherein the security device is a magnetic device", as recited in the claim. Accordingly, Applicants respectfully assert that claim 1 is patentable over Little and Lenssen, and Applicants request the rejection of claim 1 be withdrawn.

Independent Claim 12

Applicants respectfully assert independent claim 12 is patentable over Little and Lenssen at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 12 recites a "method comprising automatically destroying the data content of at least some of the MRAM-cells by a magnetic field when the array is tampered with" (emphasis added).

Here, although the language of claim 12 differs from the language of claim 1 and the scope of claim 12 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 12. Accordingly, Applicants respectfully assert claim 12 is patentable over Little and Lenssen because the combination of Little and Lenssen does not teach or suggest "automatically destroying the data content of at least some of the MRAM-cells by a magnetic field when the array is tampered with," as recited in claim 12.

Dependent Claims 2-11 and 13-14

Claims 2-11 and 13-14 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 12. Applicants respectfully assert claims 2-11 and 13-14 are allowable based on allowable base claims. Additionally, each of claims 2-11 and 13-14 may be allowable for further reasons, as described below.

In regard to claim 2, Applicants respectfully submit that claim 2 is patentable over the combination of Little, Lenssen, and Adelerhof, because the combination of cited references does not teach or suggest all of the limitations of the claim. Claim 2 recites that the "security device comprises a magnetic field source in combination with a first soft-magnetic flux-closing layer". In contrast, the cited portion of Adelerhof (col. 4, lines 35-39) teaches a system including soft-magnetic flux guide pieces where a magnetic characteristic is irreversible in a magnetic field. Because the magnetic characteristic in Adelerhof is irreversible, the soft-magnetic flux guide pieces in a configuration such as that taught by Adelerhof could not be used in a security device for destroying data stored in the MRAM-cells. The Office Action fails to adequately explain how the teachings of Adelerhof might actually be combined with the teachings of Little in view of Lenssen. Although the Office Action states generally that the soft-magnetic flux guide pieces of Adelerhof might be combined with the security device of Little and Lenssen, the Office Action fails to recognize that the security device of Little and Lenssen is not compatible with the functionality of the soft-magnetic guide pieces as taught by Adelerhof. In particular, the soft-magnetic guide pieces of Adelerhof create a magnetic characteristic which is irreversible. In contrast, the security device of Little is directed to a circuit for wiping the SRAM clean by discontinuing power. Clearly, a memory device could not be wiped clean if the characteristics of the device are irreversible. However, the Office Action does not address this discrepancy between Adelerhof and Little to show how the combination of cited references would teach a security device comprising a magnetic field source in combination with a first soft-magnetic flux-closing layer. Therefore, in the absence of further analysis regarding how to successfully implement the soft-magnetic guide pieces of Adelerhof into the security device of Little, the reasoning presented in the Office Action is insufficient to support the proposed combination of

Adelerhof, Little, and Lenssen. Accordingly, Applicants respectfully request the rejection of claim 2 to be withdrawn.

In regard to claim 8, Applicants respectfully submit that claim 8 is patentable over the combination of Little, Lenssen, and Adelerhof, because the combination of cited references does not teach or suggest all of the limitations of the claim. Claim 8 recites that the "the first soft-magnetic flux-closing layer is so as to separate from the magnetic field source when the array of MRAM-cells is tampered with". In contrast, the cited portion of Adelerhof (col. 16, lines 2-13) merely teaches permanent magnets or electromagnets that are alternated with soft-magnetic flux guide pieces. However, Adelerhof does not teach that a soft-magnetic flux-closing layer is so as to separate from the magnetic field source when the array of MRAM-cells is tampered with, as recited in claim 8. Accordingly, Applicants respectfully assert claim 8 is patentable over Little, Lenssen, and Adelerhof because the combination of references does not teach or suggest all of the limitations of the claim.

In regard to claim 9, Applicants respectfully submit that claim 9 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to claim 2. Accordingly, Applicants respectfully assert claim 9 is patentable over Little, Lenssen, and Adelerhof because the combination of references does not teach or suggest all of the limitations of the claim.

In regard to claim 10, Applicants respectfully submit that claim 10 is patentable over the combination of Little, Lenssen, and Adelerhof, because the combination of cited references does not teach or suggest all of the limitations of the claim. Claim 10 recites that "the magnetic field shaping device is a second soft-magnetic layer, the magnetic field source and first soft-magnetic layer being located adjacent the array of MRAM-cells at one side, and the second soft-magnetic layer being located adjacent the array of MRAM-cells at the opposite side thereof". In contrast, the cited portion of Adelerhof (col. 16, lines 2-13) merely teaches permanent magnets or electromagnets that are alternated with soft-magnetic flux guide pieces. However, Adelerhof does not teach MRAM-cells, and therefore does not teach or suggest the configuration of the soft-magnetic layers with respect to the MRAM-cells. The location of the soft-magnetic layers modifies the operation of the device, and is therefore patentably distinct from other arrangements.

Accordingly, Applicants respectfully assert claim 10 is patentable over Little, Lenssen, and Adelerhof because the combination of references does not teach or suggest all of the limitations of the claim.

In regard to claim 13, Applicants respectfully submit that claim 13 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to claim 8. Accordingly, Applicants respectfully assert claim 13 is patentable over Little, Lenssen, and Adelerhof because the combination of references does not teach or suggest all of the limitations of the claim.

In regard to claim 14, Applicants respectfully submit that claim 14 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to claim 10. Accordingly, Applicants respectfully assert claim 14 is patentable over Little, Lenssen, and Adelerhof because the combination of references does not teach or suggest all of the limitations of the claim.

New Claims

Support for new claims 15-20 is found in Applicants' specification at, for example, paragraphs [0034] and [0035].

Independent Claim 15

Independent claim 15 includes similar limitations to claim 1. Although the language of claim 15 differs from the language of claim 1 and the scope of claim 15 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to claim 1 also apply to claims 15.

Dependent Claims 16-20

New claims 16-20 ultimately depend on claim 1. Applicants respectfully assert claims 16-20 are allowable at least for depending on an allowable base claim.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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